



## **Economic Impact Analysis Virginia Department of Planning and Budget**

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### **9 VAC 25-71 – State Water Control Board Regulations Governing the Discharge of Sewage and Other Wastes from Boats January 16, 2002**

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The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 9-6.14:7.1.G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1.G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

### **Summary of the Proposed Regulation**

The proposed changes will add language in the water quality control regulations to clarify that 1) boat waste regulations apply to all state waters, 2) in addition to sewage, the discharge of other wastes from all vessels into the state waters is prohibited, 3) vessels without installed toilets must not discharge sewage into the state waters and waste from containment devices must be pumped out at pump out facilities or carried ashore for treatment.

### **Estimated Economic Impact**

The proposed regulations will apply to discharge of sewage and other wastes from boats or vessels into the state waters. Currently, there are two regulations that apply to discharge of waste from boats. One of these regulations<sup>1</sup> prohibits discharge of sewage (treated or untreated)

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<sup>1</sup> 9 VAC 25-730-10 et seq.

from boats into Smith Mountain Lake No Discharge Zone (SMLNDZ)<sup>2</sup>. The jurisdiction of this regulation is limited in two aspects. First, it is only applicable to discharges into SMLNDZ. Second, it does not prohibit discharge of wastes other than sewage in its jurisdiction.<sup>3</sup>

The other regulation<sup>4</sup> prohibits discharge of other wastes and of sewage into designated shellfish growing waters as well as into all other state waters from boats. However, this regulation has never been enforced since its adoption in March 1976. Its effective date was tied to the U.S. Environmental Protection Agency's (EPA) approval of a No Discharge Zone in the proposed designated shellfish growing waters. EPA did not approve the Department of Environmental Quality's (the department) proposal and the regulation did not become effective. The department also indicated that this regulation is unlikely to be effective in foreseeable future.

The proposed regulation will replace the two current boat waste regulations. The proposed language contains the same provisions of the first regulation that is effective. It also adds new language stating that the discharge of boat waste into all state waters is prohibited as opposed to only prohibiting discharges into SMLNDZ, that the types of waste is not limited only to sewage, but also include the other types of waste, and that the vessels without installed toilets must not discharge sewage into state waters and sewage and other types of waste from containment devices must be pumped out at pump out facilities or carried ashore for treatment.

According to the department, all of the proposed requirements are currently administered under the general provisions of the Water Control Law and the proposed regulations will have no effect on waste discharge activities of boat or vessel operators in the Commonwealth. Thus, the State Water Control Board's proposal to replace the two other boat waste regulations with the proposed regulations is not expected to have a significant economic impact. However, it is expected that the proposed regulations will improve the clarity of water quality control regulations. Additionally, by implementing the authority of §62.1-44.33 of the Code of Virginia as generic rules, the proposed regulations will be the repository for newly designated No Discharge Zones where all discharge of sewage, whether treated or not, and of other wastes from

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<sup>2</sup> SMLNDZ includes Smith Mountain Lake from Smith Mountain Dam (gap of Smith Mountain) upstream to the 795.0 foot contour (normal pool elevation) in all tributaries, including waters to above the confluence with Back Creek in the Roanoke River arm and to the Brooks Mill Bridge (Route 834) on the Blackwater River arm.

<sup>3</sup> The wastes other than sewage may include decayed wood, sawdust, wood shavings, bark, lime, garbage, refuse, ashes, petroleum products, chemicals, and industrial liquid wastes.

<sup>4</sup> 9 VAC 25-70-10 et seq.

all vessels is prohibited. This will allow the State Water Control Board to add any No Discharge Zones approved in the future to these regulations rather than promulgating new site-specific boat waste regulations.

### **Businesses and Entities Affected**

About 243,500 boats are subject to the proposed regulations statewide and about 19,000 boats are principally used in counties surrounding the Smith Mountain Lake.

### **Localities Particularly Affected**

The proposed regulations apply throughout the Commonwealth.

### **Projected Impact on Employment**

No significant impact on employment is expected.

### **Effects on the Use and Value of Private Property**

The proposed changes are not expected to have a significant impact on the use and value of private property.